

Approved: Robert B. Sobelman 17 MAG 0005
ROBERT B. SOBELMAN
Assistant United States Attorney

Before: THE HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York

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: UNITED STATES OF AMERICA : SEALED COMPLAINT
: :
: -v.- : Violations of
: 18 U.S.C. § 924(c)
KEVIN PINNOCK, : and 21 U.S.C.
: § 841(a)(1) and
Defendant. : (b)(1)(C)
: :
-----X COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERIC JONES, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and charges as follows:

COUNT ONE

(Possession With Intent to Distribute Narcotics)

1. On or about November 15, 2016, in the Southern District of New York, KEVIN PINNOCK, the defendant, intentionally and knowingly did possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

2. The controlled substance involved in the offense was mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).)

COUNT TWO

(Firearms Possession)

3. On or about November 15, 2016, in the Southern District of New York, KEVIN PINNOCK, the defendant, during and in relation to a drug trafficking crime for which he may be

prosecuted in a court of the United States, namely, the possession with intent to distribute a controlled substance charged in Count One of this Complaint, knowingly did possess a firearm in furtherance of such crime.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and I have been personally involved in the investigation of this matter. My duties and responsibilities include the investigation of firearms and drug offenses, among other crimes. I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the offenses cited above, it does not include all the facts that I have learned during the course of the investigation. Where the contents of conversations of others are reported herein, they are reported in substance and in part.

5. Based on my conversations with an Officer of the New York City Police Department (the "NYPD Officer") who participated in the arrest of KEVIN PINNOCK, the defendant, I have learned, in part and in substance, among other things, the following:

a. At approximately 6:10 p.m. on or about November 15, 2016, the NYPD Officer, along with several other NYPD personnel, executed a search warrant issued by the Criminal Court for Bronx County, New York, at PINNOCK's residence, a two-bedroom apartment located on Morris Avenue in the Bronx, New York (the "Apartment"). The NYPD's search yielded, among other items, the following:

i. 37 individually wrapped packets of what, based on the NYPD Officer's training and experience, the NYPD Officer believed to be crack cocaine,¹ were recovered from the drawer of a dresser in a particular bedroom ("Bedroom-1") in the Apartment. The same drawer also contained, among other items,

¹ Based on my conversations with the NYPD Officer, the NYPD Officer's belief was based on the substance's appearance, consistency, and the manner in which it was packaged; all of which he knew to be consistent with crack cocaine.

at least one piece of mail addressed to PINNOCK at the address of the Apartment.

ii. A particular black pistol was recovered from underneath a dresser in the Apartment's other bedroom ("Bedroom-2").

6. Based on my conversations with a Sergeant of the New York City Police Department (the "Sergeant") who participated in the search the residence of KEVIN PINNOCK, the defendant, I have learned, in part and in substance, among other things, the following:

a. On or about November 15, 2016, the Sergeant spoke with an individual who was present in the Apartment upon the NYPD's arrival ("Resident-1"), who stated, in part and in substance, among other things, the following:

i. PINNOCK resided in Bedroom-1.

ii. Resident-1 resided in Bedroom-2.

iii. PINNOCK and Resident-1 were the only residents of the Apartment.

7. I have reviewed a NYPD Laboratory Report, reflecting tests performed on one of the 37 individually wrapped packets recovered during the search the Apartment. That report indicates that the packet contains 2.8 grams of a substance containing a detectible amount of cocaine. It is my understanding that the NYPD laboratory has not yet conducted a test to determine if the substance is crack cocaine.

8. I have reviewed an NYPD Firearms Report, which identifies the firearm that was recovered from the residence of KEVIN PINNOCK, the defendant, as a particular black .380 caliber Ruger pistol (the "Ruger Firearm").

9. I have reviewed a NEXUS Firearms Report, which confirmed that the recovered firearm was manufactured outside of the State of New York.

10. In the course of this investigation, I have viewed a video recording of a custodial interview of KEVIN PINNOCK, the defendant, by a detective assigned to the 46th Precinct of the NYPD who was involved in the investigation (the "Detective"), from which I have learned, in part and in substance, among other things, the following:

a. PINNOCK was advised of his Miranda rights orally, orally waived those rights, and agreed to speak with the Detective.

b. PINNOCK admitted to purchasing and possessing the Ruger Firearm.

c. PINNOCK admitted to placing the Ruger Firearm in the bedroom that belonged to Resident-1 in the Apartment, that is, Bedroom-2, upon the NYPD's arrival.

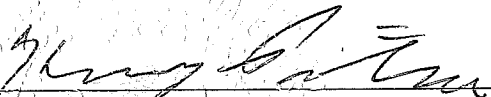
d. PINNOCK referred to the other bedroom in the Apartment, that is, Bedroom-1, as "my room."

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of KEVIN PINNOCK, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



ERIC JONES
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me this
3rd day of January, 2017



THE HONORABLE HENRY B. PITMAN
United States Magistrate Judge
Southern District of New York